

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELIZABETH DUNKLE : CIVIL ACTION
: :
v. : :
: :
JO ANNE B. BARNHART, : NO. 04-5679
COMMISSIONER OF SOCIAL SECURITY :

ORDER

AND NOW, this 22nd day of November, 2005, upon careful and independent consideration of plaintiff's motion for summary judgment (docket entry # 11), defendant's motion for summary judgment (docket entry # 15), the Honorable M. Faith Angell's Report and Recommendation (docket entry # 24) to which parties have not objected, and defendant's representation to Chambers staff that it will not object to the recommendation that plaintiff's motion for summary judgment be granted, it is hereby ORDERED that:

1. Judge Angell's Report and Recommendation is APPROVED and ADOPTED;
2. Defendant's motion for summary judgment is DENIED;
3. Plaintiff's motion for summary judgment is GRANTED;
4. The matter is REMANDED to the Commissioner for the calculation and award of benefits; and
5. The Clerk shall CLOSE this civil action statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.